

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

E-TELEQUOTE INSURANCE, INC.,

Plaintiff,

v.

AUBREY “A.D.” MAYBERRY, ALISA  
CRAVEY, RICH BUDWELL,  
JONATHAN MOORE, *ET AL.*,

Defendants.

CASE NO. 8:22-cv-01222-WFJ-JSS

**ORDER ON MYPLANADVOCATE DEFENDANTS’  
MOTION TO COMPEL PLAINTIFF’S DISCOVERY RESPONSES  
AND DOCUMENT PRODUCTION (DKT. 156)**

This matter is before the Court on the *Motion to Compel Plaintiff’s Discovery Responses and Document Production and Incorporated Memorandum of Law* (Dkt. 156) (the “Motion”) filed by Defendants, MyPlanAdvocate Insurance Solutions, Inc. and MyPlanAdvocate Insurance Services, Inc. (collectively “MPA” or “Defendants”), against Plaintiff, e-TeleQuote Insurance, Inc. (“ETQ” or “Plaintiff”). After considering the Motion, the positions of the parties, and the law, **IT IS ORDERED, ADJUDGED, AND DECREED** that the motion is **GRANTED** as follows:

1. On October 3, 2023, MPA filed the Motion.
2. On October 11, 2023, Plaintiff served Plaintiff’s Supplemental Responses and Objections to Defendants’, MyPlanAdvocate Insurance Services, Inc. and MyPlanAdvocate Insurance Solutions Inc., First Request for Production of

Documents and documents labeled ETQ-001841-ETQ-002214 (which includes documents withheld on the basis of privilege). Plaintiff supplemented its responses to Requests Nos. 6, 7, 8, 9, 10, 13, and 27 and identified the additional documents that were produced on October 11, 2023 in response to those Requests (or stated that there were no responsive records). In addition, in an October 18, 2023 email correspondence, counsel for Plaintiff provided a written explanation of the search parameters used to locate records responsive to these Requests. The issues raised in MPA's Motion related to Requests Nos. 6, 7, 8, 9, 10 13, and 27 (Dkt. 156 at pp. 7-9) have been resolved as described in this paragraph.

3. Also on October 11, 2023, Plaintiff served its Privilege Log as of October 11, 2023, thereby resolving the issues raised in MPA's Motion related to the Privilege Log (Dkt. 156 at pp. 16-19). This Order does not address the sufficiency of ETQ's Privilege Log, nor the application of any privilege to any record. MPA reserves the right to bring issues, if any, related to ETQ's Privilege Log to the Court for resolution in accordance with the applicable rules of procedure and the law.

4. No later than *Tuesday, November 7, 2023*, ETQ shall amend and serve supplemental written discovery responses to Defendants' First Request for Production of Documents to Plaintiff and produce documents as follows:

- a. With respect to Requests Nos. 14-19 (Dkt. 156 at pp. 9-10), Plaintiff maintains the attorney client and work product privileges that were timely asserted, but Plaintiff will supplement its responses to Requests Nos. 14-19 to identify which documents within its production relate to each document request, produce any additional non-privileged documents responsive to these Requests, and/or state specifically that no responsive documents have been found if that is the case.

- b. With respect to Requests Nos. 34-36, and 51 (Dkt. 156 at pp. 9-10), Plaintiff will withdraw its objections and supplement its responses to these Requests to identify which documents within its production relate to each document request, produce all non-privileged documents responsive to these Requests, and/or state specifically that no responsive documents have been found if that is the case.
- c. With respect to Request No. 11 (Dkt. 156 at pp. 10-11), Plaintiff produced its “YTD June-2023” Profit and Loss Statement on October 18, 2023 (Bates No. ETQ-002215). Plaintiff will supplement its response to Request No. 11 to identify which documents within its production relate to this document request.
- d. With respect to Request No. 42 (Dkt. 156 at pp. 12-14), Plaintiff will withdraw its objections and supplement its response to Request No. 42 to identify which documents within its production relate to this document request, produce all non-privileged documents responsive to this Request, and/or state specifically that no responsive documents have been found if that is the case.
- e. With respect to Request No. 49 (Dkt. 156 at pp. 14-16), Plaintiff will withdraw its objections and supplement its response to Request No. 49 to identify which documents within its production relate to this document request, produce all non-privileged documents responsive to this Request, and/or state specifically that no responsive documents have been found if that is the case.

5. No later than *Tuesday, November 7, 2023*, ETQ shall serve written discovery responses to Defendants’ Second Request for Production of Documents to Plaintiff and produce documents (Dkt. 156 at pp. 19-20) as follows:

- a. Plaintiff will respond to Request No. 1 by producing all documents responsive to this Request as narrowed to the time period of 2019 through the present and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.
- b. Plaintiff will respond to Request No. 4 by producing all documents responsive to this Request as narrowed to the time period of 2019 through the present and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.

- c. Plaintiff will respond to Request No. 5 by producing all non-privileged documents responsive to this Request, identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case, and serving an amended Privilege Log to the extent any documents are withheld on the basis of the attorney-client privilege and/or the work product doctrine.
- d. Plaintiff will respond to Request No. 6 by producing all documents responsive to this Request and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.
- e. Plaintiff will respond to Request No. 7 by producing all documents responsive to this Request and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.
- f. Plaintiff will respond to Request No. 8 by producing all documents responsive to this Request and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.
- g. Plaintiff will respond to Request No. 9 by producing all documents responsive to this Request and identifying which documents within its production relate to this document request and/or stating specifically that no responsive documents have been found if that is the case.

6. The Parties disagree on MPA's request for attorneys' fees; this Court reserves its ruling on MPA's request for attorneys' fees.

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7. The hearing set at 12:30 p.m. on October 27, 2023 is cancelled.

**DONE and ORDERED** in Chambers at Tampa, Middle District of Florida,  
United States District Court this 26th day of October, 2023.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

4884-0987-2778, v. 3